

MARTIN G. SANDS.

JANUARY 28, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. PICKLER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10075.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10075) granting a pension to Martin G. Sands, having carefully considered the facts in the case, respectfully report:

The beneficiary named in this bill served on board the ram *Lancaster*, Mississippi Marine Brigade, as second mate, from May 3 to August 19, 1862, and as first mate until November of the same year, when discharged "on account of expiration of period of enlistment," as stated in a communication from the Auditor for the Navy Department to the Bureau of Pensions. He filed an application under the general law, alleging rheumatism, heart disease, and disease of kidneys and eyes, contracted in the line of duty, and also applied under the act of 1890. The affidavits of several near neighbors establish the fact that he has been disabled by these infirmities for fifteen years or more, but he can not prove their origin in the service, as all his shipmates have disappeared.

The claimant was examined in February, 1892, and the board gives him a rating of eight-eightieths for rheumatism and four-eightieths for loss of vision. On July 5, 1893, another board rates him as follows:

Rheumatism, nine-eightieths; heart disease, ten-eightieths; disease of eyes, four-eightieths; one-half rating for total loss of use of hand.

His application under the act of June 27, 1890, was rejected on the ground that claimant was never mustered into the service, the rejection being based upon the decision in what is known as the "Shannon case." As before stated, the proper authority, in response to a communication from the Bureau of Pensions, reported that he was discharged "on account of expiration of period of enlistment." About two years afterwards another call was made by the Pension Office, requesting to be informed whether Martin G. Sands was regularly mustered into the naval service, to which the Auditor replied:

The records of this office are not specific as to appointment or muster. Evidence of the service of Martin G. Sands upon the above-named vessel is found on pay rolls filed as vouchers in the money accounts of Capt. W. M. Lewis, paymaster of the ram fleet.

If there is any doubt on this question of muster, we think, on the showing made, that it should be resolved in favor of the applicant. Until the decision in the Shannon case, above referred to, this man had a pensionable status under the act of June 27, 1890.

The evidence further shows that at times the claimant is utterly helpless. He is 63 years of age, has no property whatever, and during the frequently recurring rheumatic attacks has to be taken care of and provided with the necessities of life by his neighbors.

Your committee believe the case is very meritorious, and therefore respectfully recommend the passage of the bill.